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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 KELLY SUTHERLAND (PRATKA),

9 Plaintiff,

10 v.

11 NANCY A. BERRYHILL, Acting  
Commissioner of Social Security

12 Defendant.  
13

CASE NO. C17-5166-TSZ-JPD

ORDER DIRECTING PLAINTIFF'S  
COUNSEL TO SHOW CAUSE WHY  
SANCTIONS SHOULD NOT BE  
IMPOSED

14 This matter comes before the Court upon plaintiff's June 30, 2017 and July 6, 2017  
15 motions seeking a second extension of time to file the opening brief, which both fail to comply  
16 with the local rules of this district and prior orders of the Court. Dkt. 12; Dkt. 13. From the  
17 outset of this action, the Court has expended substantial time and energy attempting to direct  
18 plaintiff's counsel to heed this district's local rules.

19 Plaintiff filed a complaint against the Commissioner of the Social Security  
20 Administration on March 3, 2017. Dkt. 1. When plaintiff failed to append an appropriate  
21 Certificate of Service to the complaint or any other filing, the Court issued an order directing  
22 plaintiff's counsel to file all future documents in a format that complies with LCR 10, including  
23 a caption which properly identifies the full name of the defendant. Dkt. 9.

1 Plaintiff subsequently moved for an extension of time to file her opening brief. Dkt. 10.  
2 In the Court's Order granting the extension, the Court once again directed plaintiff's counsel to  
3 update the caption on all future filings with the Court, as well as comply with the U.S. District  
4 Court's Electronic Filing Procedures for Civil and Criminal Cases ("EFP"). Dkt. 11. The Court  
5 also warned plaintiff's counsel that failure to make these changes may cause this Court to strike  
6 future submissions. *Id.*

7 Plaintiff filed a second stipulated motion for an extension of time to file plaintiff's  
8 opening brief on June 30, 2017, Dkt. 12, and an amended stipulated motion, Dkt. 13, on July 6,  
9 2017. However, both stipulated motions submitted by plaintiff's counsel remain deficient in the  
10 following respects:

11 1) To date, none of plaintiff's filed pleadings have included the full name of the  
12 defendant, Nancy A. Berryhill, Acting Commissioner of Social Security, despite the Court's  
13 Order directing plaintiff to update the caption on all future filings with the Court. Dkt. 11 at 2.

14 2) Similarly, plaintiff has continuously failed to comply with the U.S. District  
15 Court's Electronic Filing Procedures for Civil and Criminal Cases (EFP) by not providing the  
16 assigned judge with a properly formatted Word or WordPerfect compatible version of a proposed  
17 order *by e-mail*, despite the Court's explicit direction to do so. Dkt. 9.

18 3) The Court presumes, based on these deficiencies, that plaintiff's counsel also  
19 failed to review the Court's EFP and local rules, as directed. Dkt. 11.

20 4) Accordingly, the Court STRIKES plaintiffs' stipulated motions. Dkt. 12; Dkt. 13.  
21 Plaintiff's counsel is directed to re-file the stipulated motion in a manner that complies with the  
22 local rules of the district and the Court's prior orders **by no later than Tuesday, July 18, 2017.**

23 **In addition, plaintiff's counsel shall SHOW CAUSE why she should not be sanctioned \$150**

1 **for failure to comply with the Court's prior orders.** Plaintiff shall file her show cause  
2 response with the Court **by no later than Tuesday, July 18, 2017,** or the Court will impose  
3 sanctions and also order her to appear in person for a show cause hearing.

4 The Clerk is directed to send copies of this Order to all counsel of record and to the  
5 Honorable Thomas S. Zilly.

6 Dated this 13th day of July, 2017.

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8 JAMES P. DONOHUE  
9 Chief United States Magistrate Judge